

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Arthur Zavalkovsky et al.

Serial No.: 09/703,504

Filed: October 31, 2000



Confirmation No.: 2959

Group Art Unit No.: 2141

Examiner: BAYARD,  
DJENANE M.

For: METHOD AND APPARATUS FOR  
COMMUNICATING NETWORK QUALITY  
OF SERVICE POLICY INFORMATION TO A  
PLURALITY OF POLICY ENFORCEMENT  
POINTS

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO DEFER ISSUANCE OF PATENT APPLICATION UNDER C.F.R § 1.314**

Sir:

Applicant hereby respectfully petitions for deferral of the issuance of the application referenced above as a patent, to allow time for the Examiner to consider a previously submitted Information Disclosure Statement.

Specifically, the Applicants submitted an Information Disclosure Statement with Certificate of Mailing under 37 CFR 1.8 on June 7, 2004, with Form PTO-1449 and twelve (12) US patent references (copy attached). The OIPE mailed Applicants a postcard acknowledgment receipt on June 10, 2004 indicating receipt of the paper. However, Applicants have not received an initialed copy of the Form PTO-1449 indicating consideration of the IDS. Applicants have received such initiated copies for all other IDSs filed in the case.

This petition is made to allow sufficient time for the Examiner to consider the IDS and return the initialed form.

Based on the foregoing, it is respectfully submitted that Applicants have shown good and sufficient reasons why it is necessary to defer issuance of the patent as requested. Applicants respectfully request the Director to grant the petition.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



Date: June 13, 2005

Christopher J. Palermo  
Registration No. 42,056

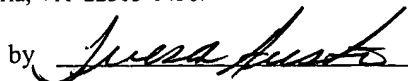
2055 Gateway Place, Suite 550  
San Jose, California 95110-1089  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on June 13, 2005

by



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## Acknowledgment Receipt

Mailing Date: June 7, 2004

Attorney Docket No. 50325-0128

Serial No.: 09/703,504

Inventor(s): Arthur Zavalkovsky, et al.

Title: METHOD AND APPARATUS FOR COMMUNICATING NETWORK  
QUALITY OF SERVICE POLICY INFORMATION ON A  
PLUARALITY OF POLICY ENFORCEMENT POINTS

Attorney: DL/ta:jn  
First Class Mail

### Documents Enclosed:

- 1) Information Disclosure Statement (3 pgs)
- 2) PTO 1449 (1 pg)
- 3) 12 References Cited
- 4) Check in the amount of \$180.00
- 5) Return Acknowledgment Postcard

*Kindly stamp the receipt date and return to addressee to acknowledge receipt of the above documents.*

Seq. No. 2709

## Acknowledgment Receipt

Mailing Date: June 7, 2004

Attorney Docket No. 50325-0128

Serial No.: 09/703,504

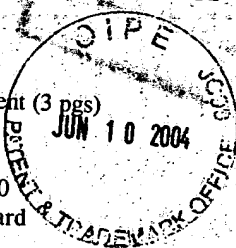
Inventor(s): Arthur Zavalkovsky, et al.

Title: METHOD AND APPARATUS FOR COMMUNICATING NETWORK  
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Seq. No. 2709

processed by docketing  
no dates docketed  
ENTRY  
DATE  
BASE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Arthur Zavalkovsky, et al.

Serial No.: 09/703,504

Filed on: October 31, 2000



) Confirmation No.: 2959

) Examiner: Bayard, Djenane M.

) Group Art Unit No.: 2141

For: METHOD AND APPARATUS FOR COMMUNICATING NETWORK QUALITY OF  
SERVICE POLICY INFORMATION ON A PLUARALITY OF POLICY  
ENFORCEMENT POINTS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

\_\_\_\_\_ 37 C.F.R. §1.97(b).

  X   37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

\_\_\_\_\_ A statement pursuant to 37 C.F.R. §1.97(e)

\_\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

\_\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

\_\_\_\_\_ X A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

\_\_\_\_\_ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

\_\_\_\_\_ A statement pursuant to 37 C.F.R. §1.97(e)

\_\_\_\_\_ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

\_\_\_\_\_ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

\_\_\_\_\_ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

\_\_\_\_\_ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: June 6, 2004



David Lewis  
Reg. No. 33,101

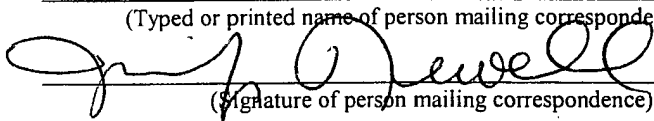
1600 Willow Street  
San Jose, California 95125-5106  
Telephone: (408) 414-1080  
Facsimile: (408) 414-1076

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June 7, 2004  
(Date of Deposit)

Jennifer Newell

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

# INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(PTO-1449)



ATTY. DOCKET NO.  
50325-0128

SERIAL NO.  
09/703,504

APPLICANT:  
Arthur Zavalkovsky, et al.

FILING DATE:  
October 31, 2000

GROUP:  
2151

## U.S. PATENT DOCUMENTS

Exam. Initial*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (If known)			
		5,359,593		Derby et al.	10-25-1994	
		5,928,331		Bushmitch	07-27-1999	
		5,968,176		Nessett et al.	10-19-1999	
		6,009,081		Wheeler et al.	12-28-1999	
		6,021,263		Kujoory et al.	02-01-2000	
		6,046,980		Packer	04-04-2000	
		6,324,184	B1	Hou et al.	11-27-2001	
		6,442,151	B1	H'mimy et al.	08-27-2002	
		6,473,793	B1	Dillion et al.	10-29-2002	
		6,483,805	B1	Davies et al.	11-19-2002	
		6,671,724	B1	Pandya et al.	12-30-2003	
		6,684,244	B1	Goldman et al.	01-27-2004	

## FOREIGN PATENT DOCUMENTS

Exam. Initial*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD- YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				

Examiner  
Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.